

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN COLTON,

Plaintiff,

No. 10-cv-13073

vs.

Hon. Gerald E. Rosen

DEBRA SCUTT, et al.,

Defendants.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S
COMPLAINT CLAIMS AGAINST NINE DEFENDANTS

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 2, 2011

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This matter having come before the Court on the June 20, 2011 Report and Recommendation of United States Magistrate Judge Mona K. Majzoub recommending that the Court grant the Motions to Dismiss and for Summary Judgment filed by Defendants Ives, Scutt, Stieve, Zeller, Kangas, Fletcher, Martin and Gardon, and recommending that the Motion to Dismiss filed by Defendants Hallworth and Cohen be granted, in part; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the

Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's Complaint against Defendants Ives, Scutt, Stieve, Zeller, Kangas, Fletcher, Martin, Gardon and Hallworth should be dismissed, with prejudice, and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of June 20, 2011 [**Dkt. # 47**] be, and hereby is, adopted by this Court.

For the reasons set forth in the Magistrate Judge's Report and Recommendation,

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendants Ives, Scutt, Stieve, Zeller, Kangas and Fletcher [**Dkt. # 24**] is GRANTED.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendant Martin [**Dkt. # 43**] is GRANTED.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendant Gardon [**Dkt. # 44**] is GRANTED.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendants Hallworth and Cohen [**Dkt. # 28**] is GRANTED, IN PART, and DENIED, IN PART. The Motion is GRANTED as to Defendant Hallworth, but DENIED as to Defendant Cohen.

Accordingly,

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Ives, Scutt, Stieve, Zeller, Kangas, Fletcher, Martin, Gardon and Hallworth are DISMISSED, WITH PREJUDICE, and these Defendants, therefore, are dismissed from this action.

IT IS FURTHER ORDERED that this case will proceed on Plaintiff's claim against

Defendant Cohen for deliberate indifference to Plaintiff's hernia condition, only.

Dated: August 2, 2011

s/Gerald E. Rosen

Gerald E. Rosen

United States District Chief Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 2, 2011, by electronic mail and upon John Colton, #173126, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201 by ordinary mail.

s/Ruth A. Gunther

Case Manager

(313) 234-5137